

**RULES
OF
DEPARTMENT OF REVENUE
INCOME TAX DIVISION**

**CHAPTER 560-7-3
SUBSTANTIVE REGULATIONS**

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560-7-3-.12 Estates

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(1) If a taxpayer has received an extension of time for filing his estate tax return with the Internal Revenue Service, a similar extension for Georgia is automatically granted. The taxpayer should attach a copy of the approved Federal extension to the Georgia copy of the return. Such extension shall not exceed six months from the original due date.

(2) If the decedent was a Georgia resident but the estate includes property outside the State or the decedent was not a resident of Georgia but the estate includes property within this State, the Georgia credit for state death taxes, except as provided by Chapter 12 of Title 48 of the O.C.G.A., is determined as follows: The gross value of property within Georgia is divided by the value of the entire gross estate. The value of Georgia property and the value of the entire gross estate should not be reduced by subtracting mortgages or indebtedness with respect to which the estate has personal liability or any other such charges against the estate. The resulting percentage is then multiplied by the total credit for state death taxes. That product is the amount due Georgia.

(3) Any legal representative of an estate required by Chapter 12 of Title 48 of the O.C.G.A. to file a duplicate of the United States Estate Tax Return with the State Revenue Commissioner must include a copy of all documents required for the Federal return. No Georgia estate tax filing is required for any estate with a date of death which occurred in a year for which the Internal Revenue Code does not allow a credit for state death taxes.

(4) Penalties:

(a) If the State copy of the estate tax return is filed after the Federal return and taxes are due Georgia, a penalty of 10% of the Georgia liability will be added to the amount owed.

(b) If the amount of taxes owed Georgia is increased through redetermination and the taxpayer does not pay the additional tax within 30 days of notice by the Commissioner, a penalty of 10% of the additional tax due will be added to the amount owed.

(c) If a taxpayer fails to file the additional documentation required by Chapter 12 of Title 48 of the O.C.G.A. showing an increase in the credit for state death taxes as determined by a Federal adjustment, a penalty of 10% of the additional tax will be added to the amount owed.

(5) As a condition precedent to the granting of an extension for payment, the Commissioner may require the legal representative to file a bond not to exceed double the amount due with respect to which the extension is granted.

Authority O.C.G.A. §§ 48-2-12 and 48-12.